a male coupling portion of tearable strip means, said top, central and bottom layers being hot coupled to one another, without using adhesive materials, to provide an integral laminate construction.

REMARKS

In paragraph 3 of the Office Action, claims 10-14 were rejected under 35 U.S.C.§112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested in view of the newly submitted claims.

Claim 10-14 have been canceled and new claims 15-19 have been added to point out the invention. In drafting the new claims, care has been taken to avoid the rejections that were entered against canceled claims 10-14 under 35 U.S.C.§ 112, second paragraph.

New claim 15 does not include the tearable strip means as an element of the modular laminate. More specifically, new claim 15, points out that Applicant's modular laminate coating element is specifically designed for coating floors and walls, and includes three layers of non metallic materials. These layers are coupled without using adhesive materials and are exclusively hot coupled with one another to provide an integral laminate construction. For these reasons, it is requested that this ground of rejection not be applied against the newly presented claims.

In paragraph 5 of the Office Action, claims 10 and 11 were rejected under 35 U.S.C.§102((b) as being anticipated by Latzke and in paragraph 6 of the Office Action, claims 12-14 were rejected under 35 U.S.C.§103(a) as being unpatentable over Latzke.

Latzke discloses a layered composite material which has been specifically designed for forming shoe insoles. The insoles taught by Latzke, require a composite layered material

having more than three layers. In the disclosed embodiment, Latzke described "a plaster" comprising:

1. a layer made of a cotton fabric;
2. a layer made of an aluminum foil having a thickness of 30 µm; and
3. a layer of closed-porous polyethylene foam having a thickness of 3 mm and a volume weight of 30 Kg/m^3. (col. 3, lines 8-15).

In this composite layered construction, layer 2 which is made from an aluminum foil constitutes a central layer as pointed out in newly presented claim 15. The newly presented claims point out a structure which is made of non-metallic elements. The Latzke patent does not teach or suggest a construction where the central layer has a bottom face on which a bottom layer of the fabric material suitable for coupling with a tearable strip means is provided. On the contrary, Latzke discloses that the bottom layer is made of a layer of closed-porous polyethylene foam.

New claim 16 points out the further feature of Applicant's modular laminate coating element that the central layer comprises a closed cell foamed polyethylene layer coupled by a thermoforming process to said top and bottom layers.

New claim 17 points out the further feature of Applicant's coating element that the top layer comprises a woven and dyed wool felt material having anti-smearing properties.

On the contrary, the prior art document does not teach or address the provision of a top layer having anti-smearing properties.

New claim 18 points out a method for making a three non-metallic layer modular laminate coating element in which the hot-coupling and thermoforming steps are simultaneously carried out with printing, sealing and die-cutting steps for coupling the thermoformed layers at the perimeter using a contoured metal mold that is designed to hot press projecting and recessed patterns that are to be permanently associated

with a surface of said central layer and with the fabric material of the exposed face thereof. This latter feature, which is disclosed in the present application, is not taught in the cited prior art. Claim 19 points out a preferred embodiment of the invention.

For these reasons, it is requested that the newly presented claims be favorably considered.

An early and favorable action is earnestly solicited.

Respectfully submitted,

James V. Costigan
Reg. No. 25,669

MAILING ADDRESS:
HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036-2601
(212) 302-8989